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17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**  
20

21 OWEN DIAZ,

22 Plaintiff,

23 v.

24 TESLA, INC. DBA TESLA MOTORS, INC.,

25 Defendant.

Case No. 3:17-cv-06748-WHO

**DEFENDANT'S NOTICE OF LODGING  
OF PROPOSED JURY INSTRUCTIONS  
AND STATEMENT OF THE CASE**

Hearing Date: January 17, 2023

Time: 2:00 p.m.

Place: Courtroom 2, 17th Floor

Judge: Hon. William H. Orrick

**DEFENDANT’S NOTICE OF LODGING**

In advance of the Case Management Conference scheduled for January 17, 2023, at 2 p.m., Defendant Tesla, Inc. hereby submits a proposed Statement of the Case and Jury Instructions, attached hereto as Exhibits A and B, respectively. For ease of review, Tesla further submits, as Exhibits C and D hereto, redlined copies of these documents showing its edits to the versions of these documents that Plaintiff Owen Diaz submitted as Exhibits A and B to the Joint Status Report on Trial Issues, dated January 10, 2023 (“Joint Status Report,” Dkt. 372).

As Tesla noted in the Joint Status Report, Tesla did not receive Plaintiff’s proposed Statement of the Case and Jury Instructions until the afternoon of January 6, and did not have an opportunity to review and comment on them, or to meet and confer with Plaintiff about them, before Plaintiff submitted them to the Court with the Joint Status Report. Tesla continues to believe it is premature for the Court to rule on the parties’ disputes regarding the Statement of the Case and Jury Instructions until after the parties have a further opportunity to meet and confer on them so they may attempt to resolve as many of their disputes as possible without the need for Court intervention.<sup>1</sup> Nevertheless, given that Plaintiff submitted his proposed versions of these documents to the Court, and to the extent the Court would like to discuss these documents at the Status Conference on January 17, Tesla is hereby lodging its proposed versions so they may be considered as part of any discussion.

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<sup>1</sup> The Court previously set a deadline of January 30, 2023 for the parties to exchange proposed jury instructions and the verdict form, with a deadline to file those documents on February 8, 2023. The Court likewise previously set a deadline of February 13, 2023 for the parties to submit a proposed joint statement of the case. Tesla believes these deadlines remain appropriate and will continue to meet and confer with Plaintiff on these documents in advance of those deadlines.

1 DATED: January 16, 2023

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4 By /s/ Daniel C. Posner

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